

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

RAFAEL MERCEDES-VALDEZ	:	CIV. NO. 23-4079 (RMB)
	:	
Petitioner	:	
v.	:	MEMORANDUM OPINION
	:	
WARDEN, FCI FORT DIX,	:	
	:	
Respondent	:	

IT APPEARING THAT:

1. On or about July 31, 2023, Petitioner Rafael Mercedes-Valdez, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey (“FCI Fort Dix”), filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, alleging the Bureau of Prisons (“BOP”) unlawfully found him ineligible for application of First Step Act (“FSA”) Time Credits because he is subject to an immigration detainer. (Pet., Docket No. 1.)

2. On September 25, 2023, Respondent submitted a letter brief in lieu of an answer, explaining that BOP changed its policy in BOP Program Statement 5410.01, and inmates with immigration detainers are now eligible for application of FSA Time Credits. (Letter, Docket No. 5.) According to the Declaration of Alisha Gallagher (“Gallagher Decl.”), Petitioner has earned 705 days of time credits under the First Step Act, as of September 3, 2023. (Gallagher Decl., ¶ 8 and Exhibit 4 at 1, Dkt. No. 5-1.) BOP applied 365 days of those credits toward Petitioner’s early transfer to supervised release, and BOP projects that it will transfer Petitioner to supervised release on December 4, 2025. (Gallagher Decl. ¶ 8 and Ex. 3 at 2-3, Dkt. No. 5-1.) Petitioner is

eligible to apply his remaining 340 days of time credits toward placement in prerelease custody. (Gallagher Decl. ¶ 8 and Ex. 4 at 1, Dkt. No. 5-1.) Petitioner is eligible to be transferred to a prerelease community placement as early as December 29, 2024, subject to resource availability and the consent of a residential reentry center willing and able to house Petitioner. (*Id.* ¶ 8.)

3. “If developments occur during the course of adjudication that eliminate a plaintiff’s personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.” *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698–99 (3d Cir. 1996).

4. Petitioner has received the habeas relief he requested. (Pet., Dkt. No. 1 at 9.) Therefore, the petition is moot, and the Court will dismiss this matter.

An accompanying Order follows.

DATE: **November 9, 2023**

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge